

Significance Threshold Standard Chart

(Drafted by Hilary Franz, reviewed by: Annie Szvetecz and Fred Greeff; Implications categories are based on discussion at 8/17 thresholds determination meeting)

Implications	Implement Statewide Standard	Use State Standard or Adopt Local Standard with State Sideboards	Use State Standard or Adopt Local Standard without State Sideboards	Adopt Local Standard with State Sideboards	Adopt Local Standards without State Sideboards	No Required Local Standards
Workload for State Developing and Adopting Standard	<ul style="list-style-type: none"> 1. Establish standard based on science (e.g., show connection to state GHG reduction legislation, etc.) 2. Establish tools for project/non-project GHG quantification 3. Develop Statutory, WAC rule, or guidance amendments, including amendments to checklist 4. Ecology defend one-time statutory or rule amendments 5. Provide assistance to lead agencies 	<ul style="list-style-type: none"> 1. Establish standard and sideboards based on science (e.g., show connection to state GHG reduction legislation, etc.) 2. Establish tools for project/non-project GHG quantification 3. Develop Statutory, WAC rule, or guidance amendments, including amendments to checklist 4. Ecology defends any statutory or regulatory amendments 5. Provide assistance to local governments adopting own standard with additional guidance, tools or tables 	<ul style="list-style-type: none"> 1. Establish optional statewide standard based on science (e.g., show connection to state GHG reduction legislation, etc.) 2. Establish tools for project/non-project GHG quantification 3. Develop statutory, rule, or guidance amendments, including amendments to checklist 4. Ecology defends statutory or regulatory amendments for state standard 5. Provide assistance to local governments adopting own standard with additional guidance, tools or tables 	<ul style="list-style-type: none"> 1. Develop state requirement/rule that local government adopt threshold standard. 2. Question of whether there would be any oversight as to whether local government met state requirement to adopt local standards. 3. Ecology defends one-time statutory or regulatory amendments 	<ul style="list-style-type: none"> 1. Develop state sideboards for local governments to adopt threshold standard. 2. Question of whether there would be any oversight as to whether local government met state requirement to adopt local standards. 3. Ecology defends one-time statutory or regulatory amendments to require a local standard. 	<ul style="list-style-type: none"> No standard adopted so no workload for developing and adopting standard
Workload for State Agencies Developing, Adopting and/or Implementing Standard	<ul style="list-style-type: none"> For State Agencies conducting project review: <ul style="list-style-type: none"> • Workload depends on how low the standard is set and how much guidance is provided A potential increase in administrative cost/pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload 	<ul style="list-style-type: none"> 1. Determine whether adopt state standard or where within sideboards state agency standard will be. <p>For State Agencies conducting project review:</p> <ul style="list-style-type: none"> • Workload depends on how low the standard is set and how much guidance is provided 	<ul style="list-style-type: none"> 1. Determine whether adopt state standard or what state agency standard will be based on science/compliance with state law- show your work. 2. Defend adoption of own standard if choose not to go with state standard <p>For State Agencies conducting project review:</p> <ul style="list-style-type: none"> • Workload depends on how low the standard is set and how much guidance is provided 	<ul style="list-style-type: none"> 1. Determine what state agency standard will be within sideboards <p>For State Agencies conducting project review:</p> <ul style="list-style-type: none"> • Workload depends on how low the standard is set and how much guidance is provided 	<ul style="list-style-type: none"> 1. Determine what state agency standard will be based on science/compliance with state law -- show your work. <p>For State Agencies conducting project review:</p> <ul style="list-style-type: none"> • Workload depends on how low the standard is set and how much guidance is provided 	<ul style="list-style-type: none"> No standard adopted so no workload for developing and adopting standard unless agency chooses to.

Implications	Implement Statewide Standard	Use State Standard or Adopt Local Standard with State Sideboards	Use State Standard or Adopt Local Standard without State Sideboards	Adopt Local Standard with State Sideboards	Adopt Local Standards without State Sideboards	No Required Local Standards
		previously exempt projects to workload	provided <ul style="list-style-type: none">• A potential increase in administrative cost/pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload	additional element to review and with the potential of adding previously exempt projects to workload	on environmental review with additional element to review and with the potential of adding previously exempt projects to workload	

Implications	Implement Statewide Standard	Use State Standard or Adopt Local Standard with State Sideboards	Use State Standard or Adopt Local Standard without State Sideboards	Adopt Local Standard with State Sideboards	Adopt Local Standard without State Sideboards	No Required Local Standards
Workload for Local Governments	<p>At the project level, local governments will need to:</p> <ul style="list-style-type: none"> • Ensure adequacy of the analysis prepared by the applicant and the process followed. • State regulations can help define the boundaries of what is a reasonable analysis by establishing the scope of that analysis and the threshold of that analysis. • The threshold would define when a level of impact becomes significant, as well as level of mitigation to avoid an EIS. So less discretion as to significance decision so for some local governments less analysis required by staff • Potential increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload 	<p>• Select State Standard or develop own standard within State Guidance.</p> <ul style="list-style-type: none"> • Because threshold standard is within a rule, the sideboards would have already gone through legal scrutiny – unless sideboards within only guidance from the state. Local's application of rule should be shielded from challenge as challenge would be at adoption of state standard • Potential increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload 	<p>• Local gov't establish standard based on science/compliance with state law (e.g., show connection to state GHG reduction legislation) or adopt optional statewide standard</p> <p>If not adopt optional statewide standard, the local gov't will need to:</p> <ul style="list-style-type: none"> • obtain information and develop expertise to determine an appropriate significance threshold. • Establish tools for project/non-project GHG quantification • Potential increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload 	<p>• Local gov't adopt standard within sideboards</p> <ul style="list-style-type: none"> • Because threshold sideboards are within a rule, the sideboards would have already gone through legal scrutiny – unless sideboards within only guidance from the state <p>At the project level, local governments will need to:</p> <ul style="list-style-type: none"> • Ensure adequacy of the analysis prepared by the applicant and the process followed. • Regulations can help define the boundaries of what is a reasonable analysis by establishing the scope of that analysis, the threshold of that analysis. • The threshold would define when a level of impact becomes significant, as well as level of mitigation to avoid an EIS so less discretion as to significance decision so for some jurisdictions less analysis by local governments • State Regulations can help define the boundaries of what is a reasonable analysis by establishing the scope of that analysis, the threshold of that analysis. • The threshold would define when a level of impact becomes significant, as well as level of mitigation to avoid EIS so less discretion as to significance decision so for some jurisdictions less analysis by local 	<p>• Local gov't establish standard based on science/compliance with state law (e.g., show connection to state GHG reduction legislation)</p> <ul style="list-style-type: none"> • The local gov't may need to obtain information or develop expertise to determine an appropriate significance threshold. • Establish tools for project/non-project GHG quantification • Develop process changes to SEPA implementation, might include amendments to checklist • Defend standard from legal challenge. <p>At the project level, local governments will need to:</p> <ul style="list-style-type: none"> • Ensure adequacy of the analysis prepared by the applicant and the process followed. • Regulations can help define the boundaries of what is a reasonable analysis by establishing the scope of that analysis, the threshold of that analysis. • The threshold would define when a level of impact becomes significant, as well as level of mitigation to avoid an EIS so less discretion as to significance decision so for some jurisdictions less analysis by local governments • King County work is example of level of work for local governments if not adopt statewide standard. • The threshold would define when a level of impact becomes significant, as well as level of mitigation to avoid EIS so less discretion as to significance decision so for some jurisdictions less analysis by local 	<p>No standard adopted so no workload for developing and adopting standard unless agency chooses to.</p> <p>At the project level, work may be required to analyze GHG emissions as a result of recent state GHG reduction requirements (HB 2815). Local jurisdictions could decide to address under SEPA project or in a comprehensive manner through establishing own standard and protocol for projects.</p> <p>Potential increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload.</p> <p>At the project level, local governments will need to:</p> <ul style="list-style-type: none"> • Ensure adequacy of the analysis prepared by the applicant and the process followed. • Ensure adequacy of the analysis prepared by the applicant and the process followed. • Ensure adequacy of the analysis prepared by the applicant and the process followed. • The threshold would define the boundaries of what is a reasonable analysis by establishing the scope of that analysis, the threshold of that analysis. • The threshold would define when a level of impact becomes significant, as well as level of mitigation to avoid an EIS so less discretion as to significance decision so for some jurisdictions less analysis by local governments • Potential increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload

- governments
- Potential increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload
The threshold would have already undergone legal scrutiny at rule adoption so local jurisdiction's application of rule should be shielded from challenge
 - Ensure adequacy of the analysis prepared by the applicant and the process followed.
 - Have to define when a level of impact meets significant threshold, as well as possibly the type/level of mitigation to avoid an EIS. With Local Standard in place, less discretion as to significance decision so for some jurisdictions less analysis by local governments
 - Potential increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload

decision so for some jurisdictions less analysis by local governments

- Likely increased administrative cost and pressure on environmental review with additional element to review and with the potential of adding previously exempt projects to workload
- May have to deal with conversions and loss of carbon sink impacts without benefit of any state guidance

Implications	Implement Statewide Standard	Use State Standard or Adopt Local Standard with Sideboards	Use State Standard or Adopt Local Standard without State Sideboards	Adopt Local Standard with State Sideboards	Adopt Local Standard without State Sideboards	No Required Local Standards
Level of statewide consistency and applicant predictability	High – With state standard applied to all agencies (state and local). Level also depends in part on degree of flexibility and ease of implementation, effectiveness of guidance and training	High - Medium – With the Statewide Standard and with sideboards within which local standards have to meet. Also level depends on degree of flexibility and ease of implementation, effectiveness and training	Medium - Low -- with no sideboards, less consistency and applicant predictability. Yet, still have some consistency as state standard option available and may be relied on as presents less work for local jurisdictions. Also if no training, technical resources or guidance, implementation, tools, effectiveness, and training become more limited	Medium-Low -- with no state standard, less consistency and applicant predictability. Sideboards provide some limited level of consistency and applicant predictability. Consistency will depend on the range of sideboards.	Low - with no statewide standard and no sideboards, little to no consistency and applicant predictability. Because not just one standard but numerous individual agency standards, multiplies number of legal outcomes.	Very Low – only consistency will come out of court decisions
Risk of litigation	Low at Local Level – Standard would likely be litigated at state level with possible challenges to agencies as to implementation of statewide standard	Low at Local Level – Standard would likely be litigated at state level. With sideboards and state standard, litigation of local standard limited with possible challenges to agencies as to implementation of standard or sideboard.	Medium at Local Level – Standard could likely be litigated at state level. Standard would also likely be litigated at local level as local jurisdictions choose to adopt their own standard but have no sideboards. Additional possible challenges to agencies and local government as to implementation of statewide standard and local standard.	Medium at Local Level – Sideboard standard would be litigated at local level not at state level. Because not just one standard but numerous individual local government and agency standards, multiplies number of legal challenges and outcomes. Additional possible challenges to agencies as to implementation of statewide goals (HB 2815)	High at Local Level – Standard would be litigated at local level not at state level. Because not just one standard but numerous individual local government and agency standards, multiplies number of legal challenges and outcomes. Additional possible challenges to agencies as to implementation of statewide 2050 emissions at project level.	High – with no required local standards, litigation likely to occur the way California has gone with litigation against agencies not doing SEPA review and mitigation of GHG emissions at project level.
Risk of nullifying categorical exemptions	State could possibly include (<i>need to check on this</i>) a provision to address undermining “significance” issue for categorical exemptions in 197-11-800	State could possibly include (<i>need to check on this</i>) a provision to address undermining “significance” issue for categorical exemptions in 197-11-800	Some risk given GHG emissions have not been considered when setting exemption levels, especially if local standards are used	State could possibly include (<i>need to check on this</i>) a provision to address undermining “significance” issue for categorical exemptions in 197-11-800	Some risk given GHG emissions have not been considered when setting exemption levels, especially if local standards are used	No risk

Implications	Implement Statewide Standard	Use State Standard or Adopt Local Standard with Sideboards	Use State Standard or Adopt Local Standard without State Sideboards	Adopt Local Standard with State Sideboards	Adopt Local Standard without State Sideboards	No Required Local Standards
Level of guidance needed	High – state need to do technical work of developing standard, GHG boundaries, tools, and checklists, etc.	High – state need to do technical work of developing standard, GHG boundaries, tools, and checklists, etc.	High – where adopts state standard or own local standard, technical work of developing standard, GHG boundaries, tools, and checklists, etc.. Local jurisdictions not adopting statewide standard will still need guidance at setting own standard.	High -- where adopts state standard or own local standard, technical work of developing standard, GHG boundaries, tools, and checklists, etc.. Local jurisdictions not adopting statewide standard will still need guidance at setting own standard.	High - Medium, -- may need new SEPA process guidance for multiple agencies with jurisdiction that have totally different significance and enforcement standards. Some SEPA reviews will need to be revisited when the lead agency has a less strict significance threshold than another agency with jurisdiction. This may lead to Assumption of Lead Agency under WAC 197-11-948.	None required through rule. But could see guidance being provided by Ecology, guiding local jurisdictions and agencies in how analyze GHG emissions under SEPA, determining boundaries, tools to use, etc. to ensure SEPA compliance (HB 2815).

Implications	Implement Statewide Standard	Use State Standard or Adopt Local Standard with Sideboards	Use State Standard or Adopt Local Standard without State Sideboards	Adopt Local Standard with State Sideboards	Adopt Local Standards without State Sideboards	No Required Local Standards
GHG Emissions Reduction Effectiveness	<p>High - Medium -- depends on GHG reduction level set in Statewide Standard</p> <p>Medium to Low -- if Statewide Standard is only in the way of non-binding guidance for local jurisdictions with no connection to state GHG reduction requirements.</p>	<p>High – Medium -- Depends on GHG reduction level set in state standard and depends on how strict the sideboards are.</p> <p>Medium to Low -- If Statewide Standard or sideboards are only in the way of non-binding guidance for local jurisdictions with no connection to state GHG reduction requirements.</p>	<p>Medium - Low – With no technical guidance or sideboards from state, makes it more difficult at agency level to effectively design, adopt and implement own standard (state and local) given limited resources.</p>	<p>Medium - Low – How low depends on how strict the sideboards are and the minimum level for emission impacts.</p> <p>Medium to Low -- if sideboards are only in the way of non-binding guidance for local jurisdictions with no connection to state GHG reduction requirements.</p>	<p>Low -- If no technical guidance from state it will be very difficult for most agencies to effectively develop, adopt and implement own standard (state and local) given limited resources.</p> <p>With no guidance on tools, GHG boundaries, and implementation, agencies with limited financial and technical resources will be significantly challenged in implementing.</p>	<p>Very Low – If no guidance and no requirement, as well as, no technical/financial support from state, given limited resources at agency level (state and local), only larger jurisdictions will likely take on work.</p> <p>Issue will likely be resolved through prolonged drawn out litigation</p>